

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RAHAMON ROBERTS, :  
Plaintiff : No. 1:21-cv-00958  
: :  
v. : (Judge Kane)  
: :  
J. LUTHER, et al., :  
Defendants : :

**ORDER**

AND NOW, on this 10th day of November 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to add C.O. Sheets and C.O. Webb to the docket as Defendants in the above-captioned action; and counsel is directed to enter a notice of appearance on their behalf;
2. The Clerk of Court is directed to amend the docket to reflect the proper spelling of Defendant Frock's name;
3. Defendants' motion to dismiss (Doc. No. 9) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
  - a. The motion is **GRANTED** with respect to: (1) Plaintiff's claims for declaratory relief; and (2) Plaintiff's damages claims against Defendants in their official capacities. Plaintiff may not file an amended complaint with respect to such claims;
  - b. The motion is **DENIED** with respect to all other claims, namely: (1) Plaintiff's claims against Defendants Luther and Goss; and (2) Plaintiff's Eighth Amendment claims regarding the use of OC spray on March 31, 2020, May 10, 2020, June 5, 2020, and June 8, 2020;
4. Defendants are directed to file an answer to Plaintiff's complaint (Doc. No. 1) within fourteen (14) days of the date of this Order;
5. The parties are directed to complete discovery within six (6) months of the date on which Defendants file their answer; and

6. The parties are directed to file dispositive motions within sixty (60) days of the date on which discovery closes.

s/ Yvette Kane

Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania